

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALLEN J. WILLS,)
)
 Petitioner,)
)
 v.) No. 4:07CV612 DJS/FRB
)
 TROY STEELE,)
)
 Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion for evidentiary hearing, motion for appointment of counsel, and motion for extension of time. The motion for evidentiary hearing and motion for appointment of counsel will be denied without prejudice. The motion for extension of time will be granted.

The Court has reviewed the petition and related materials and finds that an evidentiary hearing is not warranted at this time. As a result, the Court will deny the motion for evidentiary hearing without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the petitioner will substantially benefit from the appointment

of counsel; (3) whether there is a need to further investigate and present the facts related to the petitioner's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005. After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time. As a result, the Court will deny the motion for appointment of counsel without prejudice.

Finally, petitioner moves for an additional 15 days to file his traverse. The motion will be granted. Petitioner shall have until October 6, 2007, to file his traverse.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for evidentiary hearing [#20] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel [#21] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that petitioner's motion for extension of time [#22] is **GRANTED**.

Dated this 19th Day of September, 2007.



UNITED STATES MAGISTRATE JUDGE